

Message Text

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PAGE 01 STATE 208152

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FM SECSTATE WASHDC

TO AMEMBASSY TANANARIVE PRIORITY

C O N F I D E N T I A L STATE 208152

E.O. 11652: GDS

TAGS: CASC, MA

SUBJECT: REPPAS CASE

REF: (A) STATE 144854

(B) STATE 176686

1. FEDERAL AUTHORITIES HAVE AGREED TO ACCEPT REPPAS AS VOLUNTARY PAROLEE PROVIDED GOMR PERMITS HIM TO RETURN TO U.S. WE WILL BE POUCHING PERSONAL WRITTEN APPEAL (IN FRENCH) FROM MRS. REPPAS TO GEN. RAMANANTSOA SEEKING REPPAS' RELEASE ON HUMANITARIAN GROUNDS. WE BELIEVE EMBASSY SHOULD DELIVER IT TO GENERAL RAMANANTSOA ALONG WITH AIDE MEMOIRE AND PRESENTATION ALONG LINES PARA 3 BELOW.

2. PRIOR TO DEMARCHE EMBASSY SHOULD ELICIT REPPAS CONCURRENCE IN PROPOSAL FOR VOLUNTARY PAROLE PLAN STRESSING CRITICAL IMPORTANCE THAT HE KEEP THIS INFORMATION TO HIMSELF. REPPAS SHOULD BE ADVISED THAT BRAD JEFFRIES HAS BEEN CONSULTED THOROUGHLY ON VOLUNTARY PAROLE PLAN BY BOTH DEPARTMENT OFFICERS AND OTHER FEDERAL AUTHORITIES AND HAS GIVEN HIS FULL CONCURRENCE. EMBASSY MAY STRESS THAT PLAN IS COMPLETELY VOLUNTARY AND WOULD NOT INVOLVE CREATION OF U.S. CRIMINAL RECORD. HE WOULD BE EXPECTED, UPON RETURN, TO REGISTER WITH PAROLE AUTHORITIES IN BAY AREA AND ADVISE THEM AT CONVENIENT INTERVALS (PERHAPS MONTHLY OR
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CONFIDENTIAL

PAGE 02 STATE 208152

SEMI-ANNUALLY) OF HIS ACTIVITIES AND WHEREABOUTS FOR A

PREScribed PERIOD. HOWEVER, IF HE DECLINED TO ABIDE BY TERMS OF HIS VOLUNTARY PAROLE, FEDERAL AUTHORITIES WOULD LACK LEGAL BASIS TO REQUIRE HIM TO HONOR PAROLE TERMS. HIS CONDUCT UNDER VOLUNTARY PAROLE PLAN, HOWEVER, MIGHT BEAR UPON AVAILABILITY AND CREDIBILITY OF SUCH PLANS AS MEANS FOR FUTURE REPATRIATION OF OTHER AMCIT PRISONERS OVERSEAS.

3. SUGGEST DEMARCHE/AIDE MEMOIRE REFER TO FACT IT WAS PREPARED UPON INSTRUCTIONS FROM DEPARTMENT OF STATE AND FEATURE FOLLOWING THEMES:

-- USG DOES NOT QUESTION GOMR'S RIGHT TO APPLY ITS CIVIL AND CRIMINAL JURISDICTION TO REPPAS (EMBASSY HOWEVER SHOULD AVOID ANY STATEMENTS WHICH APPEAR TO APPROVE PROCEDURES OR RESULTS IN REPPAS' CASE);

-- USG REQUESTS GOMR PERMIT REPPAS' RETURN TO U.S. FOR NUMBER OF HUMANITARIAN CONSIDERATIONS. THEY INCLUDE FACT THAT NEARLY TWO YEARS REPPAS HAS SPENT IN JAIL HAVE TAKEN TOLL ON HIS PHYSICAL AND MENTAL STATE AS REFLECTED BY RECURRENCE OF HIS PROSTATIS SYMPTOMS, HIS DEPRESSIVE TENDENCIES AND OCCASIONAL ABERATTIONAL OUTBURSTS. AT THE SAME TIME HE HAS BEEN UNABLE TO EARN A LIVELIHOOD FOR HIS FAMILY OR TO ASSIST IN THE REARING OF HIS THREE CHILDREN WHICH HAS BEEN DETRIMENTAL TO BOTH HIS WIFE AND CHILDREN. DURING THIS PERIOD, THE HEALTH OF HIS 74 YEAR OLD MOTHER HAS BECOME PRECARIOUS AS THE RESULT OF ANXIETY OVER HER SON'S SITUATION;

-- REPPAS CASE IS NOT THE SORT OF THING WHICH SHOULD BE PERMITTED TO INTERFERE WITH FRIENDLY AND FRUITFUL RELATIONS BETWEEN GOMR AND USG. USG IS CONCERNED, HOWEVER, THAT ANY PRECIPITOUS DECLINE IN HIS HEALTH OR DEATH OF HIS MOTHER MIGHT GENERATE UNFORTUNATE PUBLIC AND CONGRESSIONAL REACTION DETRIMENTAL TO OUR GOOD RELATIONS;

-- IF GOMR DOES NOT FIND FOREGOING CONSIDERATIONS SUFFICIENT IN THEMSELVES TO PERMIT REPPAS' RETURN, THE USG PROPOSES THAT GOMR AUTHORITIES TURN REPPAS OVER TO CUSTODY
CONFIDENTIAL

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PAGE 03 STATE 208152

OF U.S. EMBASSY FOR RETURN TO U.S. JURISDICTION FOR SERVICE OF HIS SENTENCE IN ACCORDANCE WITH THE LAWS AND REGULATIONS OF THE UNITED STATES AS MAY BE APPLICABLE UNDER THE CIRCUMSTANCES. IT IS PRESENTLY ANTICIPATED THAT THIS WOULD INVOLVE VOLUNTARY SUPERVISED PAROLE ADMINISTERED UNDER CONSENSUAL PROCEDURES SIMILAR TO THOSE ARRANGED FOR OTHER UNITED STATES CITIZENS SENTENCED ABROAD. BY THIS PROPOSAL, THE USG HOPES THAT IT MIGHT

ACCOMMODATE BOTH THE POSSIBLE CONCERNS OF GOMR LAW
ENFORCEMENT AUTHORITIES AND THE STRONG HUMANITARIAN
CONSIDERATIONS INVOLVING THE HEALTH AND WELFARE OF REPPAS
AND HIS FAMILY. KISSINGER

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